

REMARKS

This Response responds to the Office Action dated August 23, 2004 in which the Examiner rejected claims 1-13 and 15-16 under 35 U.S.C. §103 and stated that claims 17 and 18 are allowed.

Applicants would like to thank the Examiner for the personal interview on January 11, 2005. Additionally, Applicants respectfully point out to the Examiner that the three issues discussed in the interview are further discussed herein below. In particular, Applicants respectfully point out to the Examiner that none of the references taken singularly or in combination show, teach or suggest a) products in the form of digital contents distributed through electronic transmission, b) exchanging copyright information through electronic transmission with both a product provider and a product user and c) managing copyright information through electronic transmission by preregistering copyright information in a center which relates to individual products. In particular, products, in the form of digital content, are distributed directly or by way of a distributor through electronic transmission. Copyright information, relating to the product, is exchanged through electronic transmission with both the product provider and the product users. Also, it is possible to manage not only all copyright information through electronic transmission by preregistering copyright information relating to the individual products in the center, but also possible to manage part of all the copyright information.

As indicated above, claims 1 and 16 have been amended to broaden the claims. The amendment is unrelated to a statutory request for patentability and does not narrow the literal scope thereof.

Claim 1 claims a copyright information management system including a copyright information management center, provided in a product distribution environment where products, in the form of digital content, are distributed through electronic transmission between a product provider comprising at least one of a copyright owner creating a product and a distributor distributing the product and a product user receiving the product from the product provider. The system exchanges copyright information relating to the product through the electronic transmission with both of the product provider and the product user. The copyright information management center centrally manages all copyright information existing in the product distribution environment through the electronic transmission by preregistering copyright information relating to the individual products in the center. The copyright information comprises product provider information and product information.

Through the structure of the claimed invention having a) products, in the form of digital contents, distributed through electronic transmission, b) exchanging copyright information through electronic transmission with both product provider and product user and c) managing copyright information through electronic transmission by preregistering copyright information in the center which relates to individual products, as claimed in claim 1, the claimed invention provides a copyright information management system which enables reliable and easy discovery of copyright infringement. The prior art does not show, teach or suggest the invention as claimed in claim 1.

Claim 16 claims a copyright information management system comprising first and second subsystems. The first subsystem has a copyright information

management program unit that manages copyright information in a copyright information management center as part of a product distribution environment electronic transmission that exchanges products, in the form of digital content, through electronic transmission. The second subsystem has a digital watermark information management program unit that operates in cooperation with the copyright information management program unit. The copyright information management center centrally manages copyright information in the product distribution environment through electronic transmission by preregistering copyright information relating to digital content products. The preregistered copyright information comprises product provider information and product information.

Through the structure of the claimed invention a) having products in the form of digital content exchanged through electronic transmission, and b) managing copyright information through electronic transmission by preregistering copyright information relating to digital content products, as claimed in claim 16, the claimed invention provides a copyright information management system which makes it easy to determine copyright infringement. The prior art does not show, teach or suggest the invention as claimed in claim 16.

Claims 1-13 and 15-16 were rejected under 35 U.S.C. §103 as being *unpatentable over Collart (U.S. Patent No. 6,405,203) in view of Fukushima et al (U.S. Patent No. 6,185,321)*.

Applicants respectfully traverse the Examiner's rejection of the claims under 35 U.S.C § 103. The claims have been reviewed in light of the Office Action and for reasons which are set forth below, Applicants respectfully request the Examiner withdraws the rejections to the claims and allows the claims to issue.

Collart appears to disclose a distribution and tracking system that utilizes a set of bits on an electronic medium to track and control use of content electronically. (col. 1, lines 7-9) An example setting forth details relating to the tracking of DVDs will now be set forth. First, a content owner (such as studio) requests use of the BCA on their DVDs. Based on request, the replicator (examples include WAMO, Panasonic, Nimbus, Technicolor, Pioneer, Crest) adds unique BCA number to every DVD. Adding BCA number to each DVD requires a special (YAG) laser. This may be the very last step in the manufacturing process. The BCA numbers for a specific DVD must then be entered into Inter Actual's BCA database. Information to track includes: DVD title, i.e. "Lost in Space"; BCA #/range, i.e. 12345687890; and Shipping Packaging/Tracking Container, i.e. Box 52221 to Hollywood Video. After the BCA number is added to the DVDs, the DVDs are packaging/boxed for distribution to either the Distributor or the Retailer. It should be noted that many companies take multiple forms, so the replicator and distributor may be one in the same. Also, some retailers are large/important enough to get shipments directly from replicator. The way in which the DVDs are packaging/shipped is very important because one must track the BCA numbers to actual shipping containers (box, etc.). Therefore tracking information must also be added to the BCA database. If packaged DVDs are then sent to distributor, the distributor also has mechanisms, i.e. scanners, input device, and monitoring devices, in place for tracking based on their distribution. (col. 6, line 66 through col. 7, line 25) Once the DVDs reach the retailer (either from the replicator or distributor), then DVDs may be further divided and distributed to local stores/outlets. In such a situation, the retailer should be able to automatically "track" distribution of these DVDs through to their stores. Over time, all

three entities (replicator, distributor, and retailer) are able to add tracking information to BCA database. Due to complexity and dependencies on existing business systems, the retail tracking concept will be rolled out in phases: replicator first most likely with key retail accounts. The distributors will be brought in. Retailers will then begin to embrace the ability to track based on local outlet/store. (col. 7, lines 31-42)

Thus, *Collart* merely discloses conventionally distributing DVDs via conventional ground shipping. Nothing in *Collart* shows, teaches or suggests a) products, in the form of digital content, distributed through electronic transmission as claimed in claims 1 and 16. Rather, *Collart* merely describes a conventional method of shipping/distributing DVDs.

Additionally, *Collart* merely discloses tracking DVDs by using a unique BCA number added to each DVD using a special laser. Nothing in *Collart* shows, teaches or suggests a system which exchanges copyright information through electronic transmission with both a product provider and product user as claimed in claim 1. Rather, *Collart* merely discloses tracking distribution using a BCA number added via a laser.

Finally, *Collart* merely discloses retailers automatically tracked distribution of the DVDs through their stores. Nothing in *Collart* shows, teaches or suggests managing all copyright information through electronic transmission by preregistering copyright information relating to individual products as claimed in claims 1 and 16. Rather, *Collart* merely discloses that the retailer automatically tracks distribution of the DVDs through their stores.

Applicants respectfully traverse the Examiner's statement that *Collart* discloses managing copyright information through electronic transmission based

upon column 40, lines 11-22. Applicants respectfully point out to the Examiner that nothing in *Collart* shows, teaches or suggests that registered users accept the software license agreement via electronic transmission. Furthermore, software license agreements are shrink-wrapped license agreements in which the shrink-wrap, once torn open, is an automatic agreement.

Applicants respectfully point out that the present invention is directed to a copyright information management system which enables a centralized management of copyrights and promotion of distribution of products in the product distribution environment. The copyright information is comprised of both product provider information and product information. The copyright information management center centrally manages all copyright information existing in the product distribution environment by preregistering copyright information in the center. The center's only function is to assist the distribution of products by using centrally managed copyright information in order to promote the distribution of products. The distribution itself is performed directly between the product provider and the product user. Applicants respectfully submit that a copyright information management center is different from a distributor as disclosed in *Collart*. In particular, *Collart* is merely directed to software (computer program product) as described in column 40, lines 11-22 whereas in the present invention, the product is digital content.

Fukushima et al appears to disclose in FIG. 4, the digital copying machine 93 serving as both the image forming apparatus and image processing apparatus in the present image forming system includes the PCU 74 serving as a specimen image determining section. The PCU 74 is furnished with a function of determining if an image as input from the image data input portion 70 is a copy-prohibited image or

not based on the pre-recorded data in the ROM (Read Only Memory) including the memory 73. More specifically, the PCU 74 determines if the input image is a copy-prohibited image or not by comparing the same with the pre-registered data of various copy-prohibited specimen images. In other words, the determination is made based on whether the input image and any of the specimen images have the same value. Optionally, the PCU 74 may make a determination under a unique rule to the user, such as determining the input image as being the copy-prohibited image whenever an image has "confidential" in red at the upper right corner. (col. 23, lines 22-41)

Thus, *Fukushima et al* merely discloses determining if an input image is a copy-prohibited image by comparing the same with a pre-registered data of various copy-prohibited specimen images (column 23, lines 31-34). Nothing in *Fukushima et al* shows, teaches or suggests a) products are distributed through electronic transmission, b) a system exchanging copyright information through electronic transmission with both a product provider and product user and c) managing all copyright information through electronic transmission by preregistering copyright information related to the individual products as claimed in claims 1 and 16. Rather, *Fukushima et al* merely discloses determining if an input image is a copy-prohibited image by comparing the image with a pre-registered data of various copy-prohibited specimen images.

Additionally, *Fukushima et al* merely discloses determining if the input image is a copy-prohibited image by determining if the input image has "confidential" in red at the upper right corner. Nothing in *Fukushima et al* shows, teaches or suggests a) products distributed through electronic transmission between a product provider and

a product user, b) the system exchanging copyright information through the electronic transmission with both the product provider and product user and c) managing all copyright information through electronic transmission by preregistering copyright information as claimed in claims 1 and 16. Rather, *Fukushima et al* merely discloses determining if the input image is a copy-prohibited image when the image has "confidential" in red at the upper right corner.

Since *Collart* is merely directed to a conventional system of tracking distribution of DVDs and since *Fukushima et al* is directed to prohibiting copying of an image using a copier, applicants respectfully submit that the combination of the references would not be possible. Furthermore, even assuming *arguendo* that the references would be combinable, the combination would merely suggest to track distribution of DVDs as taught by *Collart* and prohibiting copying of an image (from the DVD) using a copier as taught by *Fukushima et al*. Thus, nothing in the combination of the references shows, teaches or suggests a) products in the form of digital content distributed through electronic transmission between a product provider and a product user, b) a system exchanging copyright information through electronic transmission with both a product provider and a product user and c) managing copyright information through electronic transmission as claimed in claims 1 and 16. Therefore, applicants respectfully request the Examiner withdraws the rejection to claims 1 and 16 under 35 U.S.C. §103.

Claims 2-13 and 15 depend from claim 1 and recite additional features. Applicants respectfully submit that claims 2-13 and 15 would not have been obvious within the meaning of 35 U.S.C. §103 over *Collart* and *Fukushima et al* at least for

the reasons as set forth above. Therefore, applicants respectfully request the Examiner withdraws the rejection to claims 2-13 and 15 under 35 U.S.C. §103.

Thus it now appears that the application is in condition for reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is respectfully requested to contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, applicants respectfully petition for an appropriate extension of time. The fees for such extension of time may be charged to our Deposit Account No. 02-4800.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 02-4800.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: February 22, 2005

By: 

Ellen Marcie Emas
Registration No. 32,131

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620